

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14425US02

In the Application of:

Steven Koenck

Serial No. 10/787,443

Filed: February 26, 2004

For: MODULAR, PORTABLE DATA
PROCESSING TERMINAL FOR
USE IN A COMMUNICATION
NETWORK

Examiner: CHERY, DADY

Group Art Unit: 2616

Confirmation No.: 7829

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is
being sent via EFS-Web to the United
States Patent and Trademark Office on
May 1, 2008.

/Philip Henry Sheridan/

Philip Henry Sheridan

Reg. No. 59,918

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached to this electronic submission are the following:

- A completed PTO/SB/08A which has one (1) page.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Four (4) references are attached.

FEE DETERMINATION AND PAYMENT

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).

- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

REQUEST FOR CONSIDERATION

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in several disputes with Qualcomm, Inc., including the following pending lawsuit and investigation:

- In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, U.S. International Trade Commission Case. No. 377-TA-543.
- Broadcom Corp. v. Qualcomm, Inc., Civil Action No. 05-468 in the Central District of California

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: May 1, 2008

/Philip Henry Sheridan/
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